IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No. 21247 of 1997

Between:

1. M/s Nandini Rice Traders, Nellore, represented by its Partner, Sri.C.Mallikarjuna Rao, S/o Subba Rao, aged 32 years.
2. M/s Sri Lakshmi Venkateswara Raw and Boiled Rice Mill,

Narayanareddipeta, Nellore, represented by its Managing Partner, Sri.Rudrapati Venkateswarlu, S/o Rangaiah, aged 32 years.
3. M/s Seshadri Raw & Boiled Rice Mill, Nellore, Rep.by its Managing Partner,Sri Burramsetty Venkateswarlu, S/o Basavaiah, aged 42 years.
4. M/s M.S.M.Traders, Allipuram, Nellore, Rep.by its Proprietor Sri M.Subrahmanyam, S/o Venkata Subbaiah, aged 25 years.
5. M/s R.V.S.Raw & Boiled Rice Mill, N.V.Gardens, Nellore, Rep. by its partner Sri R.Haribabu,S/o Venkata Seshaiah, aged 46 years.
6. M/s Maruti Raw & Boiled Rice Mill, Allipuram Road, Nellore-2 Rep.by its Managing Partner, Sri.N.Hanuma Reddy,S/o Rami Reddy, aged 43 years.
7. M/s.Vijaya Traders, Mutukuru, Nellore District, Rep.by its Managing Partner, Sri K.Prasannakumar Reddy, S/o Padmanabha Reddy, aged 30 years.
8. M/s Sri Venkata Lakshmi Paddy & Rice Merchants, Allipuram,

Nellore District, Rep.by its Proprietor,Sri N.Govindayya S/o Venkaiah, aged 45 years.
9. M/s Menta Narasimha Swamy & Co., Nellore, Rep.by its Proprietor, Sri.Menta Narasimha Swamy,S/o Venkata Ramaiah
aged 57 years.
10. M/s Sri Sankara Rice Mill, Pedacherukuru, Nellore District, Rep.by its Proprietor, Sri M.Venkateswarlu, s/o Krishnama Naidu,
aged 34 years.
11. M/s Sri Venkata Satyanarayana Paddy & Rice Merchant, Nellore, Rep.by its

Proprietor,Sri.D.Koteswara Rao S/o Balaiah.
aged 32 years.
12. M/s Sri Kamakshi Raw & Boiled Rice Mill, Pedacherukuru, Nellore District, Rep.by its Partner Sri M.Subbarayudu, S/o Pichaiah, aged 45 years.
13. M/s Sri Satya Sai Rice Traders, Nellore, Rep.by its Partner Sri D.Subba Rao,S/o Venkata Subbaiah, aged 37 years.

14. M/s Ennamuri Paddy & Rice Company, Nellore, Rep.by its Partner Sri G.Ramamohan Rao,S/o Satyanarayana, aged 40 years.
15. M/s Kancherla Mohan Rao S/o Subrahmanyam Gupta, Pedacherukuru, Allipuram Post, Nellore District, aged 40 years.
16. M/s Sailaja Traders, Kappala Doruvu, Nellore, Rep.by its Proprietor Sri K.Rama Chandraiah,S/o Ramanaiah, aged 44 years.
17. M/s Bhaskara Sharance Paddy & Rice Company, Nellore, Rep, by its Managing Partner Sri K.Surya Pratapa Reddy S/o Baskara Reddy, aged 35 years.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, represented by its Chief Secretary, Secretariat, Hyderabad.
2. The Commissioner, Commercial Taxes, Government of Andhra Pradesh, Hyderabad.
3. The Principal Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
4. The Chairman, A.P. Rural Development Board, Government of A.P., Hyderabad.
5. The Deputy Commissioner, Commercial Taxes, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the A.P. Rural Development Act 1996 (Act No.11 of 1996 is illegal and unconstitutional and the power to impose cess on the dealer or miller to pay the cess on purchase of the paddy as per Section 7 of the Act is highly arbitrary unreasonable and violative of Articles 14, 16 and 19 (1) (g) of the Constitution of India and same may be set aside and consequently direct the respondents not to make any assessment orders in pursuance of the A.P Rural development Act 1996, (Act, No. 11/1996).

Counsel for the Petitioner: Mr. P. Krishna Reddy

Counsel for the Respondent Nos. 1,3 &4: GP FOR REVENUE

Counsel for Respondent Nos. 2 &5: Special G.P. for Taxes.

The Court made the following :

ORAL ORDER:

(per Honourable Sri Justice B.Sudershan Reddy)

This Court in **Venkataramana Rice and General Merchants and others v. Government of Andhra Pradesh and others** upheld the constitutional validity of Andhra Pradesh Rural Development Act, 1996, and, accordingly held that the provisions of the said Act are not violative of Article 286(2) of the Constitution of India as well as Sections 14 and 15 of the Central Sales Tax Act. Following the said judgment, this Writ Petition shall stand dismissed without any order as to costs.

_____

B.SUDERSHAN REDDY, J.

26.4.2005.

_____

C.V.RAMULU, J.

VR.

To

1. The Chief Secretary, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Commissioner, Commercial Taxes, Government of Andhra Pradesh, Hyderabad.
3. The Principal Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
4. The Chairman, A.P. Rural Development Board, Government of A.P., Hyderabad.
5. The Deputy Commissioner, Commercial Taxes,

Nellore.

6. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

7. Two CCs to Special Government Pleader for Taxes, High Court Buildings, Hyderabad (OUT).

8) 2 CD copies

*Form-NIC-OGS/WP{**MN**}*